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HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: *Kimberly Hughes* Date: *July 16, 2004*  
MAIL STOP AF

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**  
JUL 26 2004  
TECHNOLOGY CENTER R3700

In Re Patent Application Of:	:	
Diao Xu <i>et al.</i>	:	
Conf. No.: 7264	:	Group Art Unit: 3753
Appln. No.: 10/043,761	:	Examiner: John C. Fox
Filing Date: January 10, 2002	:	Attorney Docket No.: 9346-018US
	:	(TW/PSC/I.4929)
Title: MICROVALVE DEVICES	:	

**NOTICE OF APPEAL FROM PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Decision dated January 16, 2004, Paper No. 9, of the Primary Examiner finally rejecting claims 2-4 and 12-18.

The item(s) checked below are appropriate:

- ☒ A Petition for Extension of Time with extension fee for three month(s) to July 16, 2004 to respond to the final rejection was filed on July 15, 2004.
- ☐ A Petition for Extension of Time for month(s) to file the Notice of Appeal and the requisite extension fee in the amount of \$ are enclosed.
- ☐ Notice of Appeal fee is enclosed (if applicable)
  - ☒ \$165.00 - Small Entity has been previously established in this case.
  - ☐ \$330.00.
  - ☐ Not required (fee paid in prior appeal).
- ☐ An oral hearing before the Board of Appeals is respectfully requested. Requisite fee is enclosed.
  - ☐ \$145.00 - Small Entity has been previously established in this case.
  - ☐ \$290.00.
- ☒ Our firm's check in the amount of \$165.00 is enclosed.

07/22/2004 AWONDAF1 00000015 10043761  
01 FC:2401 165.00 DP

[X] The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-1017 (**Billing No. 209346.0018**) for any overpayments or deficiencies in the above-calculated fee. A duplicate copy of this notice is enclosed.

Respectfully submitted,

**DIAO XU et al.**

July 15, 2004 By: Richard A. Wolden, Reg No. 39,879  
(Date) for **MARTIN G. BELISARIO**  
Registration No. 32,886  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
One Commerce Square  
2005 Market Street, Suite 2200  
Philadelphia, PA 19103-7013  
Telephone: 215-965-1200  
**Direct Dial: 215-965-1303**  
Facsimile: 215-965-1210  
E-Mail: mbelisario@akingump.com

MGB/JDS/krh